

12 SEPTEMBER 1947

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of  
WITNESSES

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I N D E X  
Of  
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
	3164		Book entitled "Pertaining to the Whole Japanese Nation" (written in Japanese)	28364	
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1 Friday, 12 September 1947

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3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600 and HONORABLE  
16 JUSTICE LORD PATRICK, Member from the United Kingdom  
17 of Great Britain, not sitting from 1330 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFF.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: I notice one of the accused  
4 is absent from the dock apart altogether from the  
5 witness. I have not been notified of that.

6 LANGUAGE ARBITER (Major Moore): If the  
7 Tribunal please, I offer the following language cor-  
8 rections:

9 Record page 28,235, line 23, delete from  
10 "state" to the end of the paragraph and substitute  
11 "case it would be impossible to endure for a long  
12 period of ten or twenty years."

13 THE PRESIDENT: The accused KAYA, with the  
14 permission of the Tribunal, will be absent for the  
15 first session today consulting with his counsel.

16 Mr. Comyns Carr.

17 - - -

18 S A D A O A R A K I, an accused, called as a witness  
19 on his own behalf, resumed the stand and testified  
20 through Japanese interpreters as follows:

21 CROSS-EXAMINATION

22 BY MR. COMYNS CARR (Continued):

23 Q General ARAKI, when the Tribunal adjourned  
24 yesterday I had asked you what it was which caused you  
25 to be dissatisfied with the state of affairs in



1 Manchuria after you left office. I still want to  
2 know what actual event or what actual action taken  
3 in Manchuria caused that dissatisfaction.

4 MR. McMANUS: If the Tribunal pleases, may  
5 we have one question at a time? I respectfully ask  
6 that the witness be permitted to answer the first  
7 question first.

8 THE PRESIDENT: If the witness so desires  
9 I shall ask that the questions be put separately.  
10 His interest will be protected. So far he has not  
11 indicated that he is in any difficulty. I can see  
12 nothing wrong with Mr. Carr's method of cross-examina-  
13 tion, and your intervention in this way, Mr. McManus,  
14 is wasting our time.

15 MR. McMANUS: If your Honor pleases, I do not  
16 wish to take the time of the Court in finding fault  
17 with my friend, but after all, if the Court pleases,  
18 let this witness answer one question.

19 THE PRESIDENT: I am in charge, not you. If  
20 the witness indicates that he has any difficulty he  
21 will say so and I will protect him.

22 MR. McMANUS: Well, I am quite relieved now  
23 that the Tribunal has that situation in mind.

24 MR. COMYNS CARR: If my friend had looked at  
25 the record he would have seen the witness gave an

answer of a sort to the first question yesterday.

What I am now asking is for particulars of that answer.

A As I replied to your question yesterday, the question hinges on whether or not the plan for the construction of a land of peace and security in accordance with the principles of the Kingly Way were progressing per schedule.

Q Can you tell us of any actual thing which was done in Manchuria which caused your dissatisfaction?

A As I have stated in my affidavit, following my resignation as War Minister I have not been in touch with many aspects of state affairs. Since my departure from the office of War Minister I have heard many reports about Manchuria from governors of various provinces and other public officials of the new state, and they told me about the various aspects of Manchukuo developments such as the extension of railways, economic development, et cetera, but not for once did I ever hear that the foundation of the principle of the Kingly Way had been established or not, and that is why I was dissatisfied on that point. That is the first reason for my dissatisfaction. I recognize and I must express my gratitude to those who have devoted their great efforts in the development of Manchukuo, which development compared with the development of other

1 countries had been remarkable. However, the second  
2 reason for my dissatisfaction comes from the fact  
3 that I have heard complaints from the people, that  
4 the establishment of the principles of the Kingly Way  
5 have not been to the satisfaction of the people.

6 THE PRESIDENT: Do you really think these  
7 answers are going to help us, Mr. Carr?

8 MR. COMYNS CARR: No, your Honor. I hope  
9 that at some time the witness will come to the par-  
10 ticulars which I have asked for.

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1 Q Don't you mean this, General, that the  
2 development--

3 MR. McMANUS: May I request, if the Court  
4 pleases, that the prosecutor ask the question again,  
5 not a new one.

6 THE PRESIDENT: Request is refused.

7 Q Don't you mean this, General, that in Man-  
8 chukuo all power was really in the hands of the  
9 Japanese Army and Japanese officials, and Manchukuo  
10 was being developed for the benefit of Japanese war  
11 industries?

12 A I cannot grasp the point in that question.  
13 Do you mean to ask me whether I was dissatisfied with  
14 that?

15 Q Yes.

16 A Then my answer would be that was not so.

17 MR. McMANUS: May I at this time, if the  
18 Court pleases, suggest that the question be explicitly  
19 explained to the witness?  
20

21 THE PRESIDENT: The question was perfectly  
22 clear. The only concern of the witness was that he  
23 did not appreciate the point, not the meaning, and  
24 witnesses are concerned not with the purposes of  
25 questions, but with their meaning.

MR. McMANUS: If your Honor pleases, I am

1 sure that this Tribunal wants to elicit the true  
2 facts, and I sincerely hope that possibly you might  
3 get answers if the questions are understood by the  
4 witnesses. That is all I am trying to do right now:  
5 Does the witness understand the question?

6 THE PRESIDENT: As the transcript will show,  
7 the question was perfectly clear. It was not capable  
8 of being misunderstood.

9 I have appealed to my colleagues to discipline  
10 you, Mr. McManus. I can assure you not one is with  
11 you in this. Counsel forget, when they behave this  
12 way, that the transcript will be the best answer to  
13 them if any question arises.

14 THE WITNESS: There seems to have been some  
15 confusion with regard to the last question, and so if  
16 I should state the point clearly I will say this,  
17 that the development of Manchukuo in accordance with  
18 the principle of the Kingly Way for the creation of a  
19 peaceful state was not directed in the proper direction.  
20 That is all.

21 Q Only one other question I will ask you about  
22 that. Whom do you blame for that state of affairs?

23 A That is not for me to answer. It is not for  
24 me to answer that question because I am speaking of  
25 matters after I left the office of War Minister and

1 I was not aware nor familiar with the details or  
2 particulars of the state of Manchukuo.

3 Q I come to another question, then. On page 25  
4 of your affidavit, the seventh paragraph, which is in  
5 the section headed "My Ideas," you say, second  
6 sentence of the paragraph: "My whole-hearted atten-  
7 tion was devoted to nothing but terminating the hos-  
8 tilities," that is, in Manchuria. And on page 14, the  
9 last paragraph of Section 11, you say that the trouble  
10 in Manchuria was completely settled by you within one  
11 and a half years of acceptance of War Ministership.

12 Do not you really mean that within one and  
13 a half years you had won a complete victory over the  
14 forces of Chang Hsueh-Liang in the four provinces and  
15 completely subjugated them?

16 A How you could interpret that passage in that  
17 way I can't understand. It is as written clearly there

18 Q How had you settled the matter except by  
19 winning a complete military victory?

20 A As I stated in my affidavit yesterday, as  
21 the incident developed, many changes took place and  
22 finally an agreement was reached between Japan and  
23 China. I need not go into the details regarding that  
24 agreement. The question of Jehol came out yesterday,  
25 but this question was settled in accordance with an



1 international agreement made between Japan and Man-  
2 chukuo, namely, the Japan-Manchukuo Protocol, and it  
3 was under that that the question was settled on behalf  
4 of Manchukuo.

5 Q After your resignation at the end of 1934,  
6 you were awarded a barony, were you not?

7 A I think that was at the end of 1935.

8 Q And was not the reason why the barony was  
9 requested on your behalf by the then War Minister  
10 that you were the person chiefly responsible for victory  
11 in the Manchukuo incident?

12 MR. McMANUS: If your Honor please, I object  
13 to the question.

14 THE PRESIDENT: Objection overruled.

15 A I think the granting of the peerage is a matter  
16 in charge of the Imperial Household Department. That  
17 is the way I understand it. I personally do not know  
18 what it is that you speak about because that was not  
19 within the province of my own affairs.  
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Leffler & Wolf

1 Q Do you not know that the then War Minister,  
2 General KAWASHIMA, informed the then Prime Minister,  
3 Admiral OKADA, that you were the person chiefly re-  
4 sponsible for the victory in the Manchukuo Incident  
5 and that the young officers would not be satisfied  
6 if you didn't get a peerage?

7 A Who said that? If you want to know the details  
8 I should be glad, if the Tribunal so permits, to go into  
9 the details, because that is contrary to the truth. But,  
10 being details, I shall refrain from stating them.

11 Q Did you know that General KAWASHIMA, the War  
12 Minister, was working on your behalf to obtain a peer-  
13 age for you?

14 MR. McMANUS: If your Honor please, I must  
15 object on the ground that it is outside the scope of  
16 the affidavit, and, furthermore, it certainly is ir-  
17 relevant.

18 THE PRESIDENT: Objection overruled.

19 A Are you saying that War Minister KAWASHIMA  
20 was working on my behalf?

21 Q Yes.

22 A Well, that is a matter that concerns General  
23 KAWASHIMA. I do not know anything about it. However,  
24 if you wish to know the details I am com- pelled to speak  
25 of some of them and I say that with regard to granting

1 a peerage or the baronetcy as a result of the Manchurian  
2 Incident, it was my conviction and my belief, even from  
3 the time that I was War Minister, that such titles  
4 should not be granted whether any incident or question  
5 was settled or not; not only the awarding of a peerage  
6 but the granting of any awards in general.

7 THE INTERPRETER: A slight correction: That  
8 no titles of any nature, whether the peerage or the  
9 awards in general, should not be granted until something  
10 has been completely consummated.

11 A (Continuing) However, I advocated that an  
12 exception should be made to those who had devoted their  
13 efforts on the front lines and to those who had been  
14 killed in action. There are much more details that I  
15 might state, but I shall refrain from doing so, because  
16 I think it is unnecessary.

17 Q I suggest to you that the Premier didn't want  
18 to recommend you, but was induced to do so, because the  
19 War Minister said the young officers wouldn't be  
20 satisfied if you didn't get it.

21 A Whether the newspapers reported of such matters  
22 or not -- at any rate when there was some sort of affair  
23 going on -- The newspapers may not have reported in so  
24 many words, but when there was some confusion created  
25 as a result of such rumors, I told KAWASHIMA, point-blank,



1 that if you are considering some kind of honors for  
2 me, to stop it immediately. I believed that it  
3 would not have had any effect on young officers or  
4 young men.

5 I would like to say this especially: I do  
6 not know what you mean by "young officers," but at  
7 that time there were moments when I was being criticized  
8 and denounced by so-called "young officers."

9 If you insist that Premier OKADA said so, I  
10 would suggest that you call him and cross-examine him  
11 on this point. Then, you might confirm the matter.

12 Q Now, did you know the late Baron HARADA, who  
13 died in February, 1946?

14 A Yes.

15 Q Did you know that for many years he acted as  
16 personal secretary to Prince SAIONJI, the General?

17 A Yes, I do.

18 Q Do you know that as part of his duties he was  
19 constantly interviewing important people in Japanese  
20 life and conveying what they said to Prince SAIONJI?

21 A Well, he may have interviewed important,  
22 influential people. He may have interviewed others of  
23 the hoi poloi, I do not know. But, I do not think that  
24 his reports were necessarily accurate or important.

25 Q Did he have a number of conversations with you

1 about -- Did he have a number of conversations from  
2 time to time with you about affairs of State for the  
3 purpose of conveying what you said to Prince SAIONJI  
4 and also of conveying to you the opinions of Prince  
5 SAIONJI and other persons?

6 MR. McMANUS: I object to that question.

7 THE PRESIDENT: Mr. Carr, the other day you  
8 referred to this diary.

9 MR. COMYNS CARR: Yes, your Honor.

10 THE PRESIDENT: And, if I recollect rightly,  
11 you said copies would be made available to the Court.

12 MR. COMYNS CARR: That is what I am leading up  
13 to, your Honor.

14 THE PRESIDENT: Needless to say, none of us  
15 will look at any document that is not tendered, and will  
16 take into consideration no document that is not admitted.  
17 I am sure you didn't intend anything else, Mr. Carr,  
18 but I want to make it plain what our position is.

19 MR. COMYNS CARR: Yes. The Tribunal will --

20 MR. McMANUS: If the Tribunal pleases, may I  
21 suggest that questions should not be asked along those  
22 lines, or according to this diary. I request that, and,  
23 of course, I have all due respect for my learned friend,  
24 Mr. Carr. But, I am sure he understands it also and I  
25 ask your Honor to put that in the Tribunal's ruling also.

1 THE PRESIDENT: We will follow the convention,  
2 of course, from which Mr. Carr has not yet departed.

3 MR. COMYNS CARR: The Tribunal may remember  
4 that in the cross-examination of other witnesses,  
5 particular MINAMI, I and other counsel put a number  
6 of questions which were vehemently objected to on  
7 behalf of the defense, because they asserted that if  
8 questions were being put, based upon any document, the  
9 document should there and then be produced. The  
10 Tribunal ruled that the questions could be put regard-  
11 less of the source, if any, of the information provided.  
12 they were otherwise proper questions, but intimated  
13 that they would expect that at the proper time the  
14 documents on which the questions were founded should  
15 be offered in evidence.

16 THE PRESIDENT: Yes.

17 MR. COMYNS CARR: Having regard to the attitude  
18 which the defense then adopted, I am offering now to  
19 produce here and now the documents on which my questions  
20 are going to be based, if either the Tribunal or the  
21 defense desire to see them at this stage. But, if it  
22 is preferred that they should be reserved until tendered  
23 in rebuttal, if they are tendered, if it is necessary  
24 to tender them, then, of course, I do not press the  
25 offer.



THE PRESIDENT: The attitude of at least  
the majority of the Bench is as I have stated.

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1 MR. McMANUS: If the Court pleases, the  
2 defense vehemently objects.

3 MR. COMYNS CARR: There doesn't seem to be  
4 any necessity for objecting.

5 MR. McMANUS: For the prosecutor to put  
6 these questions to any witness seems as though it  
7 would be outside the scope of any affidavit which  
8 should be submitted by any individual defendant.

9 THE PRESIDENT: The objection is overruled.

10 MR. COMYNS CARR: Then, I understand the  
11 Tribunal does not desire to see the excerpts at this  
12 time?

13 THE PRESIDENT: Not until they are tendered,  
14 and they will not be admitted when tendered unless a  
15 proper foundation is laid for their admission.

16 MR. COMYNS CARR: Yes.

17 THE PRESIDENT: That is a majority decision.  
18 BY MR. COMYNS CARR (Continued):

19 Q General ARAKI, in the summer of 1931, before  
20 you were appointed War Minister, were you a member of  
21 a society and prominent figure in a society known as  
22 Kokuhon-Sha?  
23

24 A Yes.

25 MR. COMYNS CARR: Your Honor, I should have  
pressed for an answer to my previous question, whether

1 General ARAKI did not meet with Foreign Minister  
2 HARADA on numerous occasions and inform him of his  
3 views.

4 MR. McMANUS: May we have the question clear-  
5 ly put to the witness, your Honor? Have the reporter  
6 read the question.

7 THE PRESIDENT: Objection overruled. The  
8 question is perfectly plain.

9 Again, I refer to the transcript, and on the  
10 basis of that transcript, we may have to take serious  
11 action.

12 A I shall reply. HARADA and I were not very  
13 close friends or acquaintances. On occasions, he  
14 dropped in all of a sudden, and usually the conver-  
15 sation related to talks on -- gossipy talks on daily  
16 topics, and not for once did I ever hear that he was  
17 going to report to Prince SAIONJI the subject or con-  
18 tents of our conversation. If Baron HARADA had in-  
19 tended to obtain information from me, then that  
20 information would have been of a very, very crude and  
21 elementary nature.

22 Only once, I think, we -- once or twice we  
23 had a very long and intimate conversation, but since  
24 the subject matter -- substance of that conversation  
25 has no relation with the proceedings here, I shall



refrain from speaking of them.

Q Now, returning to the Kokuhon-Sha, was the accused HIRANUMA the founder and president of that society?

A Yes.

Q And, would it be right to describe it as an extreme rightist movement?

A Not so.

Q Would it be right to describe you at that time as an idolizer of HIRANUMA?

A Well, I don't get the point in your question, but as a senior of mine, I always respected him for his very considered -- his sound and very considered thoughts.

Q Were you a strong political supporter of his?

A The Kokuhon-Sha had no political significance or meaning whatsoever.

If necessary, I shall be glad to explain the motive or purpose of its establishment.

Q If you wish to. Briefly, I hope.

A It was after the great earthquake of the Kanto area, when a man by the name of NAMBA Daisuke attempted to assault the Emperor -- the person of His Imperial Majesty, the Emperor. This was the first event or incident of its kind since the foundation of Japan,

1 and we who were very much taken aback by this unex-  
 2 pected outbreak all agreed that such an incident  
 3 should never be repeated again. Because in as much  
 4 as such an incident was a black spot in our hereto-  
 5 fore "crystine" history, the purpose for the creation  
 6 of that organization was to make it clear and plain  
 7 to the people of Japan, as a means of safeguarding  
 8 against the repetition of such an incident, that His  
 9 Imperial Majesty, the Emperor, was constantly con-  
 10 cerned with the happiness of the people and was there-  
 11 fore not unaware of the discontent and dissatisfaction  
 12 among his people.

13 Later on, I was not deeply associated with  
 14 this organization, but I believe that about the only  
 15 activities this organization indulged in in its later  
 16 stages was the publication of some magazine.

17 Q Now, I want to ask you about the Shanghai  
 18 Incident in 1932. At page 5, section 5, of your affi-  
 19 davit, you say in the first paragraph that it "was  
 20 initiated when in the middle of" -- the copy says  
 21 "July" but you must have meant January, 1932 -- "a  
 22 body of Chinese civilians assaulted a party of Japa-  
 23 nese priests and either killed or wounded them." I  
 24 suggest to you that it began before that, did it not?  
 25

A I can't quite understand, because I did not

think it began before then.

Q As a result of what was happening in Manchuria, was there not organized by the Chinese, particularly in Shanghai, a movement for the boycott of Japanese goods?

A Yes.

Q And, did not the Japanese Foreign Ministry, on the 12th of January, 1932, announce that because of the anti-Japanese movement throughout China the Japanese Government was resolved to adopt drastic measures to deal with the situation?

A Who said that?



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1 Q I am asking you whether the Japanese Foreign  
Ministry did not issue that announcemer<sup>t</sup>.

2 A I do not remember any particulars.

3 Q And did it not add that the measures might  
4 include the dispatch of increased naval landing parties  
5 or the blockade of various important Chinese ports?  
6

7 MR. McMANUS: If your Honor pleases, the  
8 witness said that he didn't know anything about,  
9 knows nothing at all about it, and the prosecutor is  
10 testifying himself. I object to the form of the ques-  
11 tion and I object to it being written in the record.

12 THE PRESIDENT: Objection overruled.

13 Q Do you not remember that phrase being used  
14 by the Japanese Foreign Ministry?

15 A I do not know.

16 Q By the end of January were there not, in  
17 fact, more than sixty Japanese warships in various  
18 Chinese ports, including more than thirty in Shanghai?

19 A I am not familiar with naval affairs.

20 Q Between the 12th of January and the 18th of  
21 January was there not a demonstration carried out by a  
22 Japanese naval landing party and Japanese residents  
23 in which they wrecked a large number of shops owned  
24 by Chinese on the Sze-Chuang Road in Shanghai?  
25

THE PRESIDENT: For the information of one

1 of my colleagues, Mr. Carr, I am assuming that you  
2 are taking the attitude that a boycott of Japanese  
3 goods in China was no justification for a war on  
4 China?

5 MR. COMYNS CARR: Yes, your Honor.

6 THE PRESIDENT: Rightly or wrongly, you are  
7 taking that stand?

8 MR. COMYNS CARR: Yes, sir. certainly; espec-  
9 ially insofar as it was provoked by the already exist-  
10 ing Japanese war on China in Manchuria.

11 MR. McMANUS: If your Honor please, may I  
12 please object to this colloquy, to its going into  
13 the record?

14 Q I suggest to you, General ARAKI, that it was  
15 not only in that attack on the Chinese shops that the  
16 incident, the trouble with regard to the Buddhist  
17 monks arose, is that right?

18 A There seems to be a request for details  
19 as to the outbreak of the Shanghai Incident. If  
20 that is desired I shall be very glad to narrate how  
21 I first came to be interested in that Incident---

22 Q One moment, General. Will you answer the  
23 question, please, before you narrate anything else?

24 THE INTERPRETER. The witness said that "I  
25 think it was the Navy Ministry, or possibly the Min-

1 ister, who made the first report of the Incident to  
2 the Cabinet."

3 Since you are inquiring about such details,  
4 I thought I should explain myself a little clearer,  
5 and by so explaining it might make the question need-  
6 less. But if you wish me to answer that question  
7 immediately, I would say I do not know.

8 Q If you don't know, then why did you state in  
9 your affidavit that this Incident was initiated by  
10 this alleged attack on the Buddhist priests?

11 A As I have just said, I became interested  
12 in the Shanghai Incident for the first time when the  
13 first report was made to the Cabinet by the Navy  
14 Ministry.

15 Inasmuch as the Ministry of the Navy was handling  
16 all such matters, and inasmuch as the Navy Minister  
17 was the person who reported this matter for the first  
18 time, I remember his saying -- his reporting about the  
19 Buddhist priests. I think that was around -- before  
20 or after -- the 20th of January, but before that date,  
21 since the matter was entirely in the hands of the Navy,  
22 I had no interest in the matter.

23 Did you take no interest in the public announce-  
24 ment by the Foreign Minister which I asked you about?

25 A No, it does not remain indelibly in my



1 Q When was that?

2 A I think it was about the middle of January.

3 Q And did you not then know about the matters  
4 which I have asked you about?

5 A Do you mean about the priests that you asked me  
6 about?

7 Q No, not only about the priests but about the  
8 other matters I have been asking you.

9 A No, I didn't know. Such a report may have  
10 been made in the cabinet, but I don't know.

11 Q Was it your position, then, that you just  
12 picked out the incident of which the Japanese could  
13 complain and ignored all the rest?

14 A Inasmuch as the Ministry of the Navy was hand-  
15 ling all such matters, and inasmuch as the Navy Minister  
16 was the person who reported this matter for the first  
17 time, I remember his saying -- his reporting about the  
18 Buddhist priests. I think that was around -- before  
19 or after -- the 20th of January; but before that date,  
20 since the matter was entirely in the hands of the Navy,  
21 I had no interest in the matter.

22 Q Did you take no interest in the public announce-  
23 ment by the Foreign Minister which I asked you about?

24 A No, it does not remain indelibly in my  
25 memory, because there were so many and frequent pro-

tests made to China at that time.

1 Q Do you know that on the 20th of January the  
2 Japanese Consul General in Shanghai, MURAI, presented  
3 five demands to Mr. Wu, the Mayor of Shanghai?

4 A At that time, no.

5 Q Did you trouble to inquire at any time what  
6 demands had been presented by the Japanese in Shang-  
7 hai to the Chinese and what answer had been received?

8 A Since such details relate to something that  
9 happened around fifteen years ago, I cannot say whether  
10 such matters were asked about or not, or inquired  
11 about or not.  
12

13 Q But you sent troops to Shanghai?

14 A Yes.

15 Q Before doing so didn't you trouble to find  
16 out the rights and wrongs of the dispute there?

17 A I was about to say that, but you asked me to  
18 wait and answer the question. That is why I didn't  
19 reply to that -- I didn't explain myself on that. May  
20 I speak of it?

21 Q Yes.

22 A I think it was about the 14th or 15th of  
23 February that Navy Minister OSUMI came to me and said  
24 that the situation in Shanghai was very threatening  
25 and asked for army assistance. Thereupon I asked

1 what was the matter. That was the first time I heard  
 2 it. That is how I learned of it, that is, from Navy  
 3 Minister OSUMI. I learned for the first time from him  
 4 about the actual threatening situation in Shanghai; and  
 5 I think I wrote about this in the affidavit, that the  
 6 Navy also reported the matter to the cabinet and re-  
 7 quested there that army reinforcements be sent, and  
 8 since the matter could not be decided by myself, I  
 9 brought the matter up to the General Staff, consulted  
 10 with them, and came to the conclusion that there was  
 11 no alternative but to comply with the request, and  
 12 dispatched reinforcements.

13 THE PRESIDENT: We will recess for fifteen  
 14 minutes.

15 (Whereupon, at 1045, a recess was taken  
 16 until 1100, after which the proceedings were re-  
 17 sumed as follows:)  
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1 MARSHALL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed:

3 THE PRESIDENT: The accused KAYA is still  
4 conversing with his counsel, with the Tribunal's per-  
5 mission, and will be so doing for the remainder of the  
6 morning session.

7 CROSS-EXAMINATION

8 BY MR. COMYNS CARR (Continued):

9 Q General ARAKI, just before the adjournment  
10 you told us that the first you heard of the Shanghai  
11 Incident was from the Navy Minister about the middle  
12 of February. A few minutes earlier you had told us  
13 that you had heard of it at a Cabinet meeting on the  
14 20th of January. Which is right?

15 A With respect to the Buddhist priests, I  
16 heard that for the first time at a Cabinet meeting  
17 somewhere in the middle of January before or after  
18 the 20th of that month; and I learned for the first  
19 time of that -- the Buddhist priests incident at  
20 that Cabinet meeting for the first time either from  
21 the Navy Minister or the Foreign Minister. I do not  
22 remember which minister reported. Inasmuch as it was  
23 the assignment of the Navy to handle matters in that  
24 area, namely Shanghai, I was not familiar nor inter-  
25 ested in the matter until the proposal or the request

1 came from the Navy in February asking for Army rein-  
2 forcements.

3 Q Did you not, as a Cabinet Minister, consider  
4 it your duty to inquire into the rights and wrongs  
5 of action which the Navy proposed to take in Shanghai  
6 in the name of the Japanese Government?

7 A I merely placed my confidence and trust in  
8 the Navy because the matters were in charge of the  
9 Navy.

10 Q Now, you told me you did not know of the  
11 Five Demands presented to the Chinese mayor on the  
12 20th of January.

13 A Such demands may have been presented, but I  
14 have no recollection of it. That may have happened,  
15 and I should think that it did happen because most of  
16 the -- most of the protests, and there were many of  
17 them, were sent by the Foreign Ministry.

18 Q Do you know that on the afternoon of the  
19 28th of January the Chinese mayor, under protest,  
20 accepted the whole of those Five Demands, drastic as  
21 they were, and began carrying them into effect?

22 MR. McMANUS: If the Tribunal please, I  
23 object to the form of the question.

24 THE PRESIDENT: Objection overruled.

25 A I have no recollection.

1 Q Do you know that, in spite of that, at  
2 eleven p.m. that same night the Japanese Navy landed  
3 reinforcements and attacked the Chinese?

4 A As I have said before, I do not recall;  
5 and, even though you might ask me many details, I  
6 cannot say that I remember each and all of them.

7 Q If those things are true and you had known  
8 of them, would you still have sent troops to Shanghai  
9 to help the Navy?

10 MR. McMANUS: I object to the question, if  
11 the Court please.

12 THE PRESIDENT: Objection upheld. You need-  
13 n't answer, witness.

14 Q Now, was TAKAHASHI, the Finance Minister,  
15 your colleague in the INUKAI Cabinet?

16 A Yes.

17 Q Was he a truthful person?

18 A I should think everybody spoke the truth.

19 Q Including TAKAHASHI?

20 A Yes, I think so; I believe so.

21 Q On or about the 17th of February did you say  
22 to him with regard to Shanghai that, if the Chinese  
23 didn't retreat twenty kilometres, you would continue  
24 to batter?  
25

A Whether I made such a statement on that



1 particular day or not, I do not remember; but I am  
2 of the belief that, if that did not happen, war would  
3 have broken out on a larger scale. The hostilities  
4 concerned Japan and China; and, even though the word  
5 "Sino-Japanese" was used, the Army that was engaged  
6 on the Chinese side was the 19th Route Army which was  
7 not under the direct command or under the jurisdiction  
8 of the Nanking Government -- which was not always  
9 under the direct command or jurisdiction of the Chi-  
10 nese Government at Nanking. If that 19th Route Army  
11 withdrew twenty kilometres at that time, then the  
12 international obligations as they related to the  
13 Shanghai area would be fulfilled, the Shanghai Inci-  
14 dent settled, and a safety zone created.

15 Q Did you express the view to TAKAHASHI that,  
16 in order to recover the Army's prestige, the Army  
17 must be sent to Shanghai to shoot?

18 A That couldn't possibly have happened.

19 Q Did that correctly represent the situation?

20 A I do not know the source. If TAKAHASHI is  
21 alleged to have made such a statement, he would be  
22 entirely in the wrong. That is not true because, if  
23 that was the case, TAKAHASHI would never have agreed.

24 Q Did you say of TAKAHASHI to HARADA on the  
25 7th of November, 1932 that he was a splendid man?

1           A    I do not remember the date nor whether I  
2           ever made such a statement; but, until his death, I  
3           respected him very highly.

4           Q    Now, on the same page 5, paragraph 5, of  
5           your affidavit, the last paragraph but one, you say,  
6           with regard to Shanghai, "I consulted on this matter  
7           the Chief of the General Staff, and we agreed to con-  
8           form with the government policy by despatching a  
9           minimum force." On the 6th of December, 1932 did  
10          you say this to HARADA --

11                   Language Division, can you use the Japanese  
12          copy that you have?

13           THE MONITOR: No, we do not have the Japan-  
14          ese copy of HARADA.

15           MR. McMANUS: If the Court pleases, of  
16          course I do not object to what General ARAKI said  
17          to HARADA or anyone else if he knew him at the time.  
18          However, if he bases his questions on conclusions  
19          and ideas and statements of another man, first of  
20          all, I think, the proper question should be, did  
21          the witness know HARADA, and then proceed from there  
22          on.

23           THE PRESIDENT: Need I state at this stage  
24          of the development of the law that, if the man says  
25          a thing to a perfect stranger, that perfect stranger

1 may state what he said in court if it be relevant  
2 and material? And this witness said that he knew  
3 HARADA.

4 MR. COMYNS CARR: Language Division, have  
5 you found it now: entry dated 6 December, 1932 from  
6 Chapter 65?

7 THE MONITOR: No, we don't have the Japanese  
8 copy, Mr. Carr. We will just translate.

9 MR. COMYNS CARR: All right.

10 BY MR. COMYNS CARR (Continued):

11 Q On that day, the 6th of December, 1932,  
12 did Baron HARADA come to see you and did the conver-  
13 sation turn upon the Jehol operations?

14 A I do not remember when I met Baron HARADA,  
15 and I do not know by the question alone what subjects  
16 were discussed.

17 Q I have put to you that the subject under  
18 discussion was Jehol and the proposed operations  
19 there.

20 A I do not know.

21 Q Did you not say this: "If we should con-  
22 tinue to limit our troops to Jehol to those at pre-  
23 sent there, wouldn't it be a repetition of the  
24 Nikolaevsk Incident?

25 A I don't recall.



1 Q Did you go on to say, "Let us deal with  
2 this situation as we did in the Shanghai Incident"?

3 A Well, even if that should be an entry in  
4 HARADA's diary, I do not know when or where and how  
5 such conversation took place. I have no recollection.

6 Q I have suggested to you that it took place  
7 on the 6th of December, 1932 and that HARADA visited  
8 you, I cannot suggest where, but, presumably, the  
9 War Ministry. And I suggest that you went on to say,  
10 after the passage I read --

11 MR. McMANUS: If the Court please, I object.  
12 I object to the prosecutor reading anything other  
13 concerning that particular point because the witness  
14 says he knows nothing at all about it, and there  
15 should be nothing contained in the record concerning  
16 that particular meeting because the witness knows  
17 nothing at all about it. Your Honor, Mr. Carr tried  
18 to refresh the witness' recollection on several occa-  
19 sions. It is apparent to the Tribunal that the wit-  
20 ness knows nothing about this conversation, so why  
21 proceed with some statement that the prosecutor has  
22 here to be read into the record?

24 THE PRESIDENT: We are now dealing with  
25 another occasion, and Mr. Carr is at liberty to re-  
fresh the memory of the witness by pointing out the

1 time and place and the nature of the conversation.

2 Q Did you, after the reference I have put to  
3 you to the Shanghai Incident, that is, "deal with it  
4 as we did in the Shanghai Incident" -- did you go on,  
5 "that is, finish the matter in the shortest possible  
6 time by sending a large force"?

7 A Inasmuch as Baron HARADA paid visits upon  
8 me quite unexpectedly and, after indulging in some  
9 conversation, left immediately, it is difficult for  
10 me to recall when and what kind of talk was held be-  
11 tween us except on special occasions.

12 Q Did you say that or not?

13 A I have already replied. I said I do not  
14 know. It is not in my memory. Is not that reply  
15 sufficient?  
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Q Did you go on to say that you were?

THE PRESIDENT: Mr. Carr, as a colleague reminds me, you have a duty to put to this witness matters which you intend to prove later. I think you have discharged that duty very fully. In view of his attitude I think it is only a matter of form to put these things to him.

MR. COMYNS CARR: If your Honor pleases, it does go on to another matter and I thought perhaps it would be fair to give him an indication of that -- another aspect of this matter.

THE PRESIDENT: It is sufficient to put each matter shortly. It is not fully appreciated that you are doing all this in fairness to the accused.

Q Did you say, with regard to Shanghai, that the army did not want to send men there?

A To whom?

Q To HARADA, on this same occasion.

A Well, I can't possibly reply because as I have said before I do not recall or remember any of the conversations which I have had with HARADA, and therefore I can't make any positive reply.

Q Was it a fact that the army did not want to send men to Shanghai?

A Yes.



Q Why not?

1 A Well, my views were that it was meaningless  
2 to conduct warfare and since the navy was handling  
3 the matter at the time the much-desired hope was that  
4 the navy would put an end to the affair without any  
5 need for the army going into action, and on that ac-  
6 count the army did not want to send troops to that  
7 front for the navy's purpose.

8 As additional explanation, I might say that  
9 the General Staff office had no plan with respect to  
10 sending forces or conducting operations in the Chinese  
11 Republic and it was a difficult matter ~~whether~~ the  
12 high command would agree to anything of that sort.  
13

14 Q Was not the real truth this: that you knew  
15 about the circumstances I have been putting to you  
16 at Shanghai, you knew that the Japanese navy was in  
17 the wrong there, and you did not want to pursue it?

18 A What I said is the truth. I have never  
19 thought of that. I have never even considered such  
20 matters. I never even thought of matters as you have  
21 stated. Neither do I think that the navy was in the  
22 wrong.

23 Q Did you complain to HARADA that the Foreign  
24 Ministry gave you no credit for having secured a quick  
25 settlement at Shanghai?

A May I have that question re-translated?

(Whereupon, the last question was re-translated by the interpreter.)

As I have repeatedly said, I do not remember anything that I have said to HARADA at any time, and if it might be something specific, I might recall, but I do not know whether I made specifically such statements to him. I might have said certain things to other people, but I do not recall my conversations with Baron HARADA.

Q Well, see if you remember this rather striking phrase. Did you go on to say that under those circumstances it was no use for you to try to behave yourselves?

MR. McMANUS: If your Honor pleases, I object to the question as being entirely irrelevant.

THE PRESIDENT: The objection on that ground is overruled.

MR. McMANUS: May I make it on other grounds, if the Court pleases?

THE PRESIDENT: You are supposed to state all your grounds at the same time. No. You are not allowed to argue piecemeal.

MR. McMANUS: If your Honor pleases, I presume the prosecutor is basing his questions on HARADA's

1       Memoirs. The document is not in evidence, many of  
2       the statements there are conclusions and also  
3       opinions --

4               All right, I retire.

5               THE PRESIDENT: Yes, Mr. Carr?

6               MR. COMYNS CARR: Your Honor, if the Tribunal  
7       thinks I have put more than is necessary of this --  
8       I do not want to go on longer than is necessary to  
9       give him the opportunity of dealing with the matters  
10      if he can. I am certainly not desirous to take up the  
11      time of the Tribunal by reading it now simply for the  
12      sake of reading it.

13              THE PRESIDENT: We hesitate to interfere  
14      where counsel is plainly acting within his rights as  
15      you are, Mr. Carr, but it does occur to us that this  
16      witness is taking up a general attitude about these  
17      matters and that the prospects of cross-examination  
18      being of much assistance are very dim.

19              MR. COMYNS CARR: I will leave that topic,  
20      your Honor, and come to a different one.

21              Q   General ARAKI, on pages 12 and 17 of your  
22      affidavit you refer to the advice that you received  
23      on international law before agreeing to recognize the  
24      independence of Manchukuo. From whom did you get  
25      that advice?



1 A From the Foreign Minister.

2 Q Did you not ask or know from what legal  
3 authorities he had obtained his advice?

4 A I think an outline on such a matter was  
5 brought up.

6 Q Did you know that two international lawyers  
7 of, I think, English nationality, Dr. Tate and Dr. Batey,  
8 were consulted by the Japanese government on the point?

9 A I do not recall.

10 You mean that I spoke to them, consulted them,  
11 or they told me?

12 Q I am not suggesting that they told you per-  
13 sonally but I am suggesting that their advice was  
14 before the cabinet of which you were a member.

15 A I have no recollection but are these two men  
16 that you have just mentioned advisors or some extra  
17 official employees of the Foreign Office?

18 Q I suggest that they were international lawyers  
19 living in Japan who were regularly consulted by the  
20 Foreign Office.

21 A I understand the question.

22 MR. McMANUS: If the Tribunal please, I think  
23 it is clearly stated in the affidavit of the witness  
24 that he had nothing at all to do with diplomatic affairs.  
25 I think this is outside the scope of the affidavit and

1 I object to the question.

2 THE PRESIDENT: It is difficult to say what  
3 is outside the scope of an affidavit in which the  
4 accused affirms that he did not conspire with any  
5 of the accused. This question is within the scope  
6 of the affidavit undoubtedly.

7 MR. COMYNS CARR: Your Honor, might I just  
8 remind the Tribunal, it is not necessary on this occa-  
9 sion but in case it should be on any other, that the  
10 Tribunal has already stated sometime back that in  
11 the case of an accused cross-examination would not  
12 necessarily be limited to the scope of the affidavit.

13 THE PRESIDENT: I am satisfied to deal with  
14 the matter on the grounds raised.

15 Q Was NIKAHASHI the Home Minister in the  
16 INUKAI cabinet and a colleague of yours?

17 THE MONITOR: How do you spell that, sir?  
18 Will you spell it?

19 MR. COMYNS CARR: N-I-K-A-H-A-S-H-I.

20 THE MONITOR: Mr. Carr, there is no such  
21 Japanese name. Is it N-A-K-A?

22 MR. COMYNS CARR: It may be. I may have got  
23 it spelled wrong on this. Yes, NAKAHASHI -- N-A.

24 A If it was NAKAHASHI, Tokugoro, then he was a  
25 colleague of mine in the same cabinet.

Q Yes. Now, I am going to put it to you quite shortly that the opinions of these two lawyers were known to the cabinet, that they were both unfavorable, that they were both to the effect that the proposed establishment of the independent Manchukuo by Japan's aid and recognition of it would be breaches of international law. I should add that that was before the cabinet in February, 1932.

MR. McMANUS: May we have the question, your Honor?

THE PRESIDENT: I understand that is a question. If the witness is in doubt we will assist him.

Q Is not that right, Witness?

A Does the question relate to this: that whether or not I know that these two international lawyers submitted such an opinion to the cabinet --

Q In February, 1932.

A I understand the question, but I do not know.

Q About the 11th of March, 1932, did you attend a cabinet meeting and was not it then decided that in view of the possibility of this being a violation of the Nine-Power Pact, recognition should be postponed, at least on the surface, for the time being?

A May I have it repeated? I did not get the whole question.



(Whereupon, the last question was read by the Japanese court reporter.)

I do not remember at which cabinet meeting this happened but I am aware of the fact that a policy decision of that nature was made.

The question of international law has just come up and there were many international problems, but I think the action and policy of the INUKAI Cabinet at that time was that it was a continuance of the right of self-defense, and that such a right of self-defense should be continued to be invoked as long as threats or dangers existed, and that there was the possibility yet of the trouble spreading even into Japan proper. I think that was one of the international law questions existing at the time.

THE PRESIDENT: Are you suggesting that the establishment of Manchukuo as an alleged independent state was a measure of Japan's self-defense?

THE WITNESS: No, that is not so. I have just expressed the views entertained by the international lawyers.

Now, with respect to the independence of Manchuria and the establishment of the independent state of Manchukuo, the views entertained by the international lawyers on this score was that inasmuch

as this was created as a result of a split within  
 1 a nation, it would not be illegal for even a party  
 2 to the Nine-Power Pact to grant recognition to that  
 3 state, that new state, and this matter was on the  
 4 agenda a number of times, and I think if I remember  
 5 correctly the Foreign Minister at the time, Count  
 6 UCHIDA, gave a full explanation of Japan's position  
 7 on the matter following the recognition of Manchukuo  
 8 when he spoke before the Diet.

9 THE PRESIDENT: We will adjourn until half-  
 10 past one.

11 (Whereupon, at 1200, a recess was  
 12 taken.)  
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Comyns Carr.

- - -

S A D A O A R A K I, an accused, resumed the stand  
and testified through Japanese interpreters as  
follows:

CROSS-EXAMINATION

BY MR. COMYNS CARR (Continued):

Q General ARAKI, in 1933 did you publish a book  
which is about to be shown to you?

Please show it to the witness.

THE WITNESS: I should like to inquire of  
you, Mr. Prosecutor, has the question and answer which  
was going on just before the recess been concluded?  
I was asked about NAKAHASHI, Tokugoro, and I replied  
to the question. I should like to know whether you  
have concluded that subject matter.

THE PRESIDENT: You appeared to have finished  
your answer and unless you are asked another question  
we do not wish to hear further from you on that matter.



THE WITNESS: No, it was not clear to me whether the question concerning NAKAHASHI, Tokugoro, had been completed or not. That is why I made this inquiry.

A This book was not published by me. I think this book was published by an instructor of a normal school by the name of SHIBUI after putting together a number of press stories, press articles and magazine articles on subjects on which I was supposed to have made talks.

Q Did you make the talks?

A I would not be able to explain unless the newspapers and magazines which were actually used in editing this book are shown to me.

Q I propose to show you a page of the book which purports to report a speech by you on the 21st of February 1933. I want to draw your attention to page 84 of that book.

Will this gentleman please show him where the passage is?

MR. McMANUS: If the Court pleases, I have no objection to this document and I propose that possibly my learned friend might not have any objection to such a document upon the part of the defendant.

Q Did you make the speech and utter the words

there shown to you?

A This does not appear to be a speech.

Q What does it appear to be?

A Will you wait just a moment? I am scanning through to see what it is all about because it appears to have been taken from something or other which I do not know about. Will you give me just a few moments?

Yes, I have seen it.

Q In that document, whatever it is, did you say this, at page 84, the passage shown to you:

"For what purpose does the League exist?

"Doesn't the League exist for the sake of world peace?

"Doesn't the Nine-Power Treaty exist for the sake of the peace of the Far East? If the League of Nations should be such as to suit the convenience of only Europe and America we wish to be excused from same. If the Nine-Power Treaty seeks only the convenience of the rights and interests of themselves we must give it a flat refusal."

Is not that what you wrote -- said or wrote?

A It appears that the interpretation now given from the English into Japanese appears to be somewhat different from what I am reading from this book. Although I seem to be insisting on a little too much,

1 I should like to have the question repeated.

2 (Whereupon, the question was read  
3 by the Japanese court reporter.)

4 MR. McMANUS: May I request at this time, if  
5 the Tribunal pleases, that the witness from the box  
6 read it in Japanese and that it may be translated  
7 into English.

8 MR. COMYNS CARR: Language division, you have  
9 a copy of the actual Japanese text of the book. Please  
10 use that. Read it to him in the text as you have it  
11 from the Japanese.

12 THE MONITOR: Mr. Prosecutor, may we have the  
13 document number?

14 MR. COMYNS CARR: 2406.

15 A Substantially it is all right although there  
16 seems to be a phrase missing in what was read by the  
17 interpreter.  
18

19 I understand now.

20 MR. COMYNS CARR: I ask now that the book be  
21 received in evidence.

22 THE INTERPRETER: The witness just said: I  
23 do not know whether the English rendition of that  
24 passage is accurate or not. I have not been told to  
25 that effect.

MR. McMANUS: Might I inquire, if the Court



1 pleases, whether or not any other excerpts are going  
2 to be offered from this book; after all, the prosecutor  
3 offered the book into evidence.

4 THE PRESIDENT: The rules as to processing  
5 and serving of documents apply only where they are  
6 tendered not in the course of cross-examination or re-  
7 examination.  
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1 MR. McMANUS: If the Tribunal pleases, we  
2 have no objection. We want the entire truth and facts  
3 to come out here right from the witness box and right  
4 in the courtroom.

5 THE PRESIDENT: Mr. McManus' conduct is most  
6 disorderly. He is not behaving like a lawyer today.  
7 We are under great restraint. At this stage of the  
8 case we are reluctant to take any drastic action, and  
9 we will avoid it as far as possible.

10 The document is admitted on the usual terms.

11 MR. McMANUS: I think that calls upon my part  
12 for an apology. I do apologize if I have offended the  
13 Court. I must say it has been possibly due to an over-  
14 zealousness upon my attitude to defend my client.

15 THE PRESIDENT: We are greatly relieved to  
16 receive your apology, and we commend you for it,  
17 Mr. McManus.

18 MR. McMANUS: Thank you.

19 CLERK OF THE COURT: The book, written in  
20 Japanese, entitled, "Pertaining to the Whole Japanese  
21 Nation," will receive exhibit No. 3164.

22 MR. COMYNS CARR: And now I tender--

23 THE WITNESS: I may be going forward insisting  
24 a little bit too much. I may be causing trouble on  
25 the part of this Tribunal, but in order to evade any

1 possible misunderstanding, I should like to know  
2 whether the English rendition of the passage just read  
3 to me by the prosecutor is an accurate rendition of  
4 what appears in the book. I say this because often  
5 there are many mistakes caused during translation or  
6 interpretation of documents.

7 THE PRESIDENT: The matter will be referred  
8 to the Language Section.

9 MR. COMYNS CARR: I now tender in evidence,  
10 on one sheet of paper, four excerpts from that book,  
11 one being the one I have just read, and I shall be  
12 reading the other three in due course.

13 THE PRESIDENT: The book, I suppose, should  
14 be marked for identification.

15 MR. COMYNS CARR: It has been, I understand.

16 THE PRESIDENT: No, it was tendered outright,  
17 not objected to, admitted. But it is really tendered  
18 for identification. Mark it such.

19 CLERK OF THE COURT: Correction: The book  
20 written in Japanese entitled "Pertaining to the Whole  
21 Japanese Nation" will receive exhibit No. 3164 for  
22 identification only.

23 THE PRESIDENT: The four excerpts are admitted  
24 on the usual terms.

25 CLERK OF THE COURT: And the four excerpts



therefrom, being prosecution document 2406, will receive exhibit No. 3164-A.

(Whereupon, the book above referred to was marked prosecution exhibit No. 3164 for identification; and the excerpts therefrom, being document No. 2406, were marked prosecution exhibit No. 3164-A and received in evidence.)

MR. COMYNS CARR: Have the copies been distributed?

CLERK OF THE COURT: Yes, sir.

THE PRESIDENT: We each have 3164-A.

MR. COMYNS CARR: I understand there are some surplus copies for the defense.

MR. McMANUS: I suppose, if the Tribunal pleases, that I should object. I think I have a valid objection. But I refrain from doing so, with the hope that reciprocation might be extended also from the prosecution.

THE PRESIDENT: The four excerpts are on one sheet. Are you going to read these, Mr. Carr?

MR. COMYNS CARR: I shall be reading the other three, but not at this moment, your Honor.

Q On or about the 21st of August, 1932, did you have a conversation with Prince KONOYE about a suggestion that the Manchurian affair should be settled

by direct negotiations between Japan and China?

1 A If, as you have been doing in the past,  
2 mentioning dates, it is very difficult for me to  
3 recall any particular dates. Are you referring to  
4 Baron HARADA?

5 Q No, Prince KONOYE.

6 A I have no recollection. I do not remember  
7 about any meeting in a particular month and on a  
8 particular date of that month.

9 Q Do you remember having a conversation at any  
10 time in 1932 with KONOYE about a suggestion from the  
11 Chinese ambassador that the whole matter should be  
12 settled by direct negotiations between China and  
13 Japan?  
14

15 A I do not remember, but don't you think  
16 Prince KONOYE was ignorant of such matters? He was  
17 then a president of the House of Peers.

18 THE MONITOR: Wasn't he a president of  
19 the House of Peers at that time?

20 A (Continuing) I do not recall the subject  
21 matter just brought up.

22 Q Did you disagree with that suggestion?

23 THE PRESIDENT: He says he does not  
24 recollect it, Mr. Carr.

25 Q Did you say words to this effect, that you

1 were in favor of creating a situation in which Japan  
2 would wage a war against the whole world when Japan  
3 became isolated from the rest of the world as the  
4 result of the deliberations of the League of Nations?

5 MR. McMANUS: I object to the question and the  
6 statement, in view of the witness' answer, if the  
7 Court please.

8 THE PRESIDENT: When he professes ignorance  
9 of the whole of a subject matter, I do not think you  
10 should continue to cross-examine as to parts of that  
11 subject matter.

12 MR. COMYNS CARR: If your Honor pleases, I  
13 was only making sure that I had laid the foundation  
14 for evidence on the subject.

15 MR. McMANUS: If your Honor pleases, I press  
16 my objection.

17 THE PRESIDENT: The objection 's upheld.  
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Q Now, would you look, General, at page 118 of the book which you have seen before? Let this gentleman find the page for you. Are you there using these words -- please read, Language Division, from document 2406, page 118 -- "It must be, at present, the first resolution toward the Manchurian question to let Europe and America understand the existence of a spirit whereby we shall push ahead by brushing everything aside, in the event of anyone laying obstacles in our way"?

A Yes.

Q And, then, please turn to page 21 of the book. Did you there say this: "Various countries of the Far East have been the objects of oppression by white races. The awakened Imperial country, Japan, cannot tolerate their high-handedness anymore. It is the duty of the Imperial Japan resolutely to oppose the action of any power, so long as it is against the Imperial policy"?

A It is so written.

MR. COMYNS CARR: Did he say, "It is so written"?

THE INTERPRETER: Yes, sir.

LANGUAGE ARBITER (Major Moore): Mr. President, the answer to the former question came through

1 as "Yes." It should have been, as this one, "It is  
2 written there."

3 THE PRESIDENT: Thank you, Major.

4 BY MR. COMYNS CARR (Continued):

5 Q And, is it written, General, from a speech  
6 or writing of yours?

7 A I think it was taken from somewhere.

8 Q Well, from something that you had produced?

9 A As I have said before, it is obvious that  
10 this book was created after articles taken from news-  
11 papers, magazines, portions taken out of books and  
12 lectures, piecemeal, were put together in this book.

13 Q But, all things said by you?

14 A I have not given this book a very careful  
15 scrutiny, but at the time when this -- the matter of  
16 publishing a book of this kind was brought up, I told  
17 the party who was publishing the book that in case  
18 certain parts are to be extracted and used in this  
19 publication, the source of those particular extracts  
20 should be given in a footnote or in some form.

21 Q And, is it given?

22 A What do you mean?

23 Q Is the source given in the book?

24 A No, it is not mentioned.

25 Q Did you see the book immediately after it had

been published, at the time?

1 A Yes, I think it was sent to me immediately  
2 after it came off the press and, of course, since it  
3 concerns something which I wrote or spoke about, I  
4 did not give it any close scrutiny or study, but at  
5 that time, I did tell him, "Why didn't you put in  
6 footnotes or some other indication of the source of  
7 the material used?" But, being of such detail, I  
8 left it at that.

9 Q Did you dispute, at the time, the accuracy  
10 of any part of it as not being things you said?

11 A I have not gone into such details.

12 Q Now, will you turn to page 27 of the book?  
13 Do you find there these words: "Unnecessary to say,  
14 the Imperial Army's spirit lies in exalting the Im-  
15 perial Way and spreading the National Virtue. Every  
16 single bullet must be charged with the Imperial Way  
17 and the end of every bayonet must have the National  
18 Virtue burnt into it. If there are any who oppose the  
19 Imperial Way or the National Virtue, we give them an  
20 injection with this bullet and this bayonet"?

21 A It is so written.

22 Q And, did you say it?

23 A I should like to have you read a little  
24 further on if you want to get the full import.  
25



Q If you wish to read any further, please do.

MR. McMANUS: If your Honor pleases, I have no objection to the witness reading further on, but I certainly think that the affidavit of the witness covers this whole situation.

Q What is it that you want to read, General?

INTERPRETER: This is a rough translation: "However, before such an injection, there would be no need to see blood if there is any reflection or reconsideration."

A (Continuing) I should like to state further that inasmuch as I did not actually write the article by my own hand, some phraseology used is very sharp.

With regard to press articles and magazine articles, I think for the purpose of selling these publications for commercial purposes the state of affairs in the country were taken into consideration and, in parts, strong words were used. But generally speaking, although I have not glanced through and read the entire book, the thoughts I had in mind were substantially reproduced.

Q Now, then, I want to ask you one or two more questions about Jehol. At a cabinet meeting of the 13th of February, 1933 -- Language Division, please

1 turn to this date in the memoirs, the last part of it.  
2 Was it decided that the Jehol issue should be looked  
3 upon, in all respects, as involving insurgents? In  
4 other words, they, that is the Japanese Army, are not  
5 going to attack Chinese regular troops but will attack  
6 these so-called bandits.

7 MR. McMANUS: If your Honor pleases, may we  
8 have a clarification of that question?

9 THE PRESIDENT: It could only be clarified  
10 by repeating it. I can see nothing left obscure, but  
11 if the witness wants it repeated in another form, let  
12 him ask.

13 A Shall I reply to that last question?

14 Q Yes.

15 A Well, it seems another date sometime in Feb-  
16 ruary has come up again. Can you tell me where and  
17 to whom such a statement was made?

18 Q I am suggesting that that was the decision  
19 of the cabinet meeting that day, of which you were a  
20 member.

21 A There was no decision to the effect as just  
22 phrased.

23 Q Was that --

24 A (Continuing) From the context of what was just  
25 read to me, I should think that it developed from the

policy which was decided and that was that action will  
be limited to the subjugation of banditry, and all such  
action was taken by Japan in accordance and on the  
basis of the Japan-Manchukuo Protocol. Before the  
Jehol issue was brought up, the decision of the cabi-  
net was, if I remember this correctly as a fact, to  
prevent the issues between Japan and China from  
developing into a war.



1 Q Was not the real decision this: That in  
2 order to avoid, if possible, further trouble with  
3 the League of Nations, the campaign in Jehol should  
4 be described as one against insurgents and so-called  
5 bandits and not against the regular Chinese troops?

6 A What is meant by the word "described" or  
7 "description"?

8 Q It should be described by the Japanese Army  
9 and Government.

10 A That question was not clear to me. May I  
11 have it repeated clearly? I should like to have the  
12 question put to me clearly in different language, if  
13 possible.

14 Q Did not the Japanese Cabinet on the 13th of  
15 February, 1933 decide that in order to avoid further  
16 trouble with the League of Nations, the campaign in  
17 Jehol should be described as being one against insurgents  
18 and so-called bandits, and not against Chinese regular  
19 troops?

20 THE PRESIDENT: The word "described" gave the  
21 witness trouble. Substitute "represented" for "described."

22 A From the manner in which that particular passage  
23 was written, it appears to sound to me as an insult  
24 not only against Japan as a nation, but against the  
25 Cabinet and the Army as well. If Baron HARADA is alleged

to have written that, it would have been -- it would be his own private and subjective views.

I will state this: That the discussion of the Cabinet and the decision of the Cabinet was that all action should be taken on the basis of the Japan-Manchoukuo Protocol, and the problem which was then under consideration was with regard to the scope -- was with regard to deciding on the scope of the action and I do not think it involved anything vis-a-vis, as regards bandits or Chinese regulars or something else. The Cabinet decision was that inasmuch as this was an internal problem of Manchoukuo -- But, since the Japanese Army was taking action, the Cabinet decision, if I remember correctly, was to the effect that such action should be so calculated as it would not lead to any outbreak between Japan and China -- that it would not lead to a general hostilities between Japan and China.

Q At this same meeting was not the question of the reply to the note from the League of Nations and the question whether Japan should withdraw from the League of Nations also being considered?

A I do not recall.

Q And I suggest to you that this proposed representation of the Jehol campaign was decided upon in order not to complicate, at that moment, the

difficulties with the League of Nations.

1 MR. McMANUS: I ask for a question, if the  
2 Court pleases, rather than a suggestion to the witness  
3 what is to be the answer.

4 THE PRESIDENT: Treat that as a question.

5 THE WITNESS: Shall I reply?

6 THE PRESIDENT: Yes, if you understand the  
7 question.

8 A I am now merely guessing at the question, but  
9 I do not now recall whether there was such a cabinet  
10 meeting at the time. This is merely a guess at the  
11 question, and, although I do not think I am mistaken  
12 in my understanding, I do not recall whether there was  
13 such a cabinet meeting at that time.

14 Q All right. Now, was not the actual effect  
15 of the Jehol campaign to drive the Chinese regular  
16 troops out of Jehol?

17 A May I have it repeated? I could not hear the  
18 question.

19 (Whereupon, the last question was read  
20 by the Japanese court reporter.)

21 A Well, I do not know how many Chinese regular  
22 troops there were, but I am not familiar with the actual  
23 operations. Well, if Chinese regulars were there, that  
24 would be the case. From the operational order I can  
25



1 presume that if the Chinese regulars came into Jehol  
2 and created disturbances in that area -- that if the  
3 Chinese regular troops came into Jehol and hindered  
4 the task of pacification and subjugation in that area,  
5 then military action would be taken to clean them up.

6 If I might add a little more; Jehol became  
7 a part of the State of Manchoukuo -- Inasmuch as Jehol  
8 became a part of the State of Manchoukuo, if Chinese  
9 troops came into the State and took a challenging and  
10 provocative attitude, then the troops on the Manchoukuo  
11 side would naturally resort to military action to subdue  
12 or to drive them out.

13 MR. McMANUS: May I suggest, your Honor, that  
14 the last answer, the one before this, of the witness be  
15 submitted to Major Moore?

16 THE PRESIDENT: It is referred to the Language  
17 Section.

18 A (Continuing) Will you repeat that?

19 Q Was not the true situation this: That as you  
20 told us in your affidavit, after you drove Chang Hsueh-  
21 liang out of China, he established himself in Jehol and  
22 after that you drove him out of Jehol?

23 A That is a difficult question to answer. I  
24 have already definitely replied that the Jehol question  
25 was a purely domestic question of Manchoukuo and that

1 action was taken on the basis of the Japan-Manchoukuo  
2 Protocol, and, inasmuch as it was a domestic issue of  
3 Manchoukuo, it was not for us to interfere.

4 MR. COMYNS CARR: Well, I am now going to ask  
5 questions -- Language Section, please -- on IPS document  
6 No. 620-P, which you have in English and Japanese. If  
7 you find it, may it be shown to the witness and the  
8 relevant passage found and shown to him.

9 (Whereupon, a document was handed to  
10 the witness.)

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Q Now, General, is that book -- look, first of all, at the cover -- the Great Manchurian Diary of the Japanese Army for the year 1933?

A Yes, the title is "Manchuria Secret Diary, Showa 8, 1933."

Q Yes.

Now, would you turn to the page which was shown you before. Is that a telegram and does it bear your personal signature, bearing the date completed April 8, 1933?

A What was the question?

Q The question is, Is that a telegram dated April 8, 1933, and does it bear your personal signature?

A April 8? I can't find the date.

Q Do you find your personal signature?

A I don't notice the date. In another section it says "March 11."

Q Don't trouble about the date. Do you find your personal signature on the document?

A Yes.

Q Now follow it as it will be read to you.

MR. McMANUS: I object to the reading, if the Court please. The book has not been marked into evidence, and I object to it being marked into evidence.

MR. COMYNS CARR: I am obliged to my friend.



I offer the book for identification.

CLERK OF THE COURT: The book, written in Japanese, entitled "Secret Manchurian Diary" will receive exhibit number 3165 for identification only.

(Whereupon, the document above referred to was marked defense exhibit 3165 for identification.)

MR. COMYNS CARR: Now I tender the excerpt, which the witness agrees has his personal signature, in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document No. 620-P will receive exhibit No. 3165-A.

(Whereupon, the document above referred to was marked defense exhibit 3165-A and received in evidence.)

MR. COMYNS CARR: I will read only the bottom part of the document:

"Original Telegram Handwritten.

"Minister - Signature of ARAKI, Vice Minister - Signature of YANAGAWA.

"Bureau Chief - Signature of SHIGEATSU,  
Section Chief - Signature of YAMASHITA.

"Member of the Section - Signature of SUZUKI.

"Re: Congratulations to Manchukuo. Telegram

1 from the Minister to the Commander of the Kwantung Army.

2 "By the close cooperation of the Japanese and  
3 Manchurian Armies, we had a great success in clearing  
4 JEHOL of bandits. Together with our congratulations  
5 on the fact that the foundation of Far Eastern Peace  
6 has been already built up, we express our deep gratitude  
7 for the great activity of the officers and men. Please  
8 report the above message to the Manchurian Army."

9 Q Now, General, on the 15th of February, 1933,  
10 was it discussed at a cabinet meeting whether Japan  
11 should withdraw from the League of Nations?  
12

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1 MR. McMANUS: I hesitate to make these ob-  
2 jections, but was the witness there on that date?  
3 How should he know, otherwise?

4 THE PRESIDENT: You mustn't suggest answers  
5 to him. The question is perfectly legitimate. He  
6 can explain if he wasn't there.

7 A Did you say February 15th?

8 Q Yes.

9 A I don't remember the date February 15th, and  
10 although I am uncertain of the date, I think the  
11 question concerning the League came up for discuss-  
12 ion in the Cabinet.

13 Q And did you on that occasion, together with  
14 the Foreign Minister UCHIDA, immediately offer a res-  
15 olution to withdraw from the League?

16 A No, such a thing did not happen.

17 THE PRESIDENT: I have received a request from  
18 a member of the Tribunal to ask a question referring  
19 to the telegram, exhibit 3165-A. The telegram is  
20 hand-written and bears many signatures. Has it been  
21 written by one of the people who signed it?

22 THE WITNESS: The seal indicates the names  
23 of those who approved of the text of the telegram,  
24 the draft of the telegram; and the draft itself was  
25 drawn up by the officer in charge.



1 THE PRESIDENT: Yes, Mr. Carr.

2 Q After it had been finally decided by the Cab-  
3 inet to withdraw from the League, was an Imperial  
4 Proclamation drafted for the purpose?

5 A Yes.

6 Q Did the draft contain a reference to the Jap-  
7 anese in Manchuria?

8 A What draft?

9 Q The draft of the Imperial Proclamation.

10 A Do you mean the contents of the Imperial  
11 Rescript?

12 Q Yes, as originally drafted--- I beg your  
13 pardon. Was there a draft which you approved in  
14 these words: "As the national policy of the Imperial  
15 Government in connection with the recognition of  
16 Manchuria."

17 A Since the Imperial Rescript on that occasion  
18 was made public, if I am permitted to see the text I  
19 might be able to find out whether any such words or  
20 phrase were used or not. I have not memorized the  
21 Rescript.  
22

23 Q I am asking you about the preliminary dis-  
24 cussions before it received final form.

25 A I do not remember the details, but what I do  
remember is that the draft was first made by the Foreign

1 Office, and inasmuch as it was in connection with an  
2 Imperial Rescript, certain modifications or revisions  
3 or amendments were made by the Inner Cabinet Council  
4 and discussions on such matters were held there.

5 THE PRESIDENT: We will recess for fifteen  
6 minutes.

7 (Whereupon, at 1445, a recess  
8 was taken until 1500, after which the  
9 proceedings were resumed as follows:)  
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1 MARSHALL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE MONITOR: If the Court please, this is  
4 the Language Section. Just before the recess, in  
5 connection with the drafting of Imperial Rescript, the  
6 words "Inner Cabinet Council" were used. This should  
7 have been translated "Cabinet Meeting in the Imperial  
8 Diet."

9 THE PRESIDENT: Major Moore.

10 LANGUAGE ARBITER (Major Moore): If the Tri-  
11 bunal please, the answer which Mr. McManus asked be  
12 referred to the Language Section will appear in the  
13 record in two sentences. The second s tence is a  
14 correct translation.

15 THE PRESIDENT: Does it appear as a correct-  
16 ion of the first?

17 LANGUAGE ARBITER (Major Moore): No, sir, it  
18 does not. It seems, sir, that the interpreter gave  
19 the sentence and then repeated it in a clearer form.  
20

21 THE PRESIDENT: You say, in effect, the first  
22 sentence is wrong, the second is right.

23 LANGUAGE ARBITER (Major Moore): Yes, sir.

24 THE PRESIDENT: Thank you, Major Moore.

25 LANGUAGE ARBITER (Major Moore): I have one  
more, please, sir. In exhibit 3164-A, the paragraph



1 "P 21," the last word, "policy," should be corrected  
2 to Capital Way: W-a-y."

3 THE PRESIDENT: Imperial Way.

4 Mr. Comyns Carr.

5 BY MR. COMYNS CARR (Continued):

6 Q General ARAKI, the point of the questions  
7 I was putting to you just before the adjournment is  
8 this: Did you object to the words "independence of  
9 Manchuria" being included in the Imperial Rescript  
10 on the ground that, if the term "independence" was  
11 used, it might be inconvenient at the time when Man-  
12 churia should merge with Japan?

13 A Nothing of the sort happened.

14 Q Would it be true to say that you were always  
15 in favor of the annexation of Manchuria?

16 A That is most outrageous.

17 Q And that you intended to execute your plans  
18 even after your resignation from the government?

19 A I have never even dreamed of such a thing.

20 Q With regard to the words "independence of  
21 Manchuria," they did ultimately appear in the Rescript.  
22 But, did you successfully object to a passage being  
23 put in that there should be no disorderly emotion be-  
24 tween superiors and subordinates and between military  
25 and civilians?

1           A   That question wasn't clear to me. Not to  
2 include **what?**

3           Q   Was it proposed that there should be a pas-  
4 sage in the Imperial Rescript ordering that there  
5 should be no disorderly emotion between superiors and  
6 subordinates and that there should be harmony between  
7 civil and military officers?

8           THE PRESIDENT: Have you had that English  
9 translation revised, Mr. Carr?

10          MR. COMYNS CARR: I was not reading the  
11 exact words. I was summarizing them, your Honor.  
12 Does your Honor mean in the words --

13          THE PRESIDENT: That expression "disorderly  
14 emotion" is puzzling to me.

15          MR. COMYNS CARR: Yes, your Honor, it is.

16          Q   Put it the other way 'round in which it seems  
17 also to have been suggested: that there should be  
18 respectful admiration between superior and subordinate.

19          A   I'd like to have the whole question from  
20 beginning to end repeated.

21          Q   Was there a proposal in the Cabinet that the  
22 Imperial Rescript should contain phrases to this  
23 effect: one, that the civil and military should work  
24 in harmony within their respective spheres; and  
25 another, that there should be respectful admiration

1 or good feeling between superior and subordinate?

2 A Is that all?

3 Q Yes.

4 A Are you asking me whether I proposed the  
5 insertion of such words?

6 Q No, whether you opposed the insertion of  
7 such words.

8 A I have never made a statement to any such  
9 effect. I was a little bit confused there a while  
10 ago because of piecemeal interpretation.

11 Q Now, in October, 1933, would it be true to  
12 say that the Army was determined to attack Russia in  
13 1935 and the Navy was determined to attack the United  
14 States in 1936?

15 MR. McMANUS: If the Court please, I object  
16 to this question on the ground that it is outside  
17 not only the scope of the affidavit, but it is en-  
18 tirely new material.  
19

20 THE PRESIDENT: It is within the scope of  
21 the affidavit, and most cross-examination tends to  
22 reveal new material. The objection is overruled.

23 Q Was that true?

24 A It would be extremely funny even to --  
25 ridiculous even to imagine such a thing.

Q At a Cabinet meeting on the 5th of December,



1 1933, was there a discussion about the attitude of  
2 the United States and European countries towards  
3 Japan with regard to trade matters, tariff rates,  
4 particularly?

5 A In the Cabinet meeting?

6 Q Yes.

7 A I have no recollection.

8 Q Did Finance Minister TAKAHASHI say that the  
9 trouble was not merely with regard to trade rela-  
10 tions but arose from the fact that the Japanese Army  
11 and Navy were claiming that 1935 and 1936 would be  
12 critical years and conducting propaganda as if Japan  
13 was on the verge of war with Russia and the United  
14 States?

15 A The words "critical years" was just used,  
16 but at that time such words as "crisis" or "crises"  
17 were used. But, because it was a crisis did not  
18 mean that there was any intention to engage in war  
19 or to start war.

20 Q Did TAKAHASHI say there would be no such  
21 crisis?

22 A I do -- although I do not recall what  
23 Finance Minister TAKAHASHI said, I have not even  
24 once heard such a thing from the mouth of TAKAHASHI,  
25 himself.

1 Q Did you reply, turning pale with anger,  
2 "That is not true. There will be a crisis. The  
3 military have no intention of starting a war today.  
4 However, we must make preparations."?

5 MR. McMANUS: I object, your Honor, and I  
6 object to that last remark going into the record.  
7 If the Court please, on many occasions when the wit-  
8 ness says he doesn't know anything about anything  
9 and the prosecutor insists upon testifying, that is  
10 not conducive to a fair trial, if the Court please,  
11 for the record.

12 THE PRESIDENT: Are you pressing the ques-  
13 tion in view of the previous answer, Mr. Carr?

14 MR. COMYNS CARR: Your Honor, on this  
15 occasion the witness agreed that there had been a  
16 discussion about some such matter although he didn't  
17 quite agree with the wording. Therefore, I thought  
18 it proper to put to him the remainder of it. But,  
19 if I have laid sufficient foundation for further  
20 evidence, I won't press it.

21 THE PRESIDENT: If Mr. Carr presses for an  
22 answer, the objection is overruled.

23 Q Did you use those words, General?

24 A Well, there seems to have been a little bit  
25 of confusion on this matter just now, but I will say

1 that there was one occasion in which Finance Min-  
2 ister TAKAHASHI and I engaged in a very heated argu-  
3 ment, though I do not know whether anybody turned  
4 pale or red. But that is not the question over which  
5 we debated. If necessary, I shall explain that par-  
6 ticular argument. If not, I will refrain. Shall I  
7 reply?

8 THE PRESIDENT: Not unless requested.

9 Q A year earlier, in November, 1932, did you  
10 show, first of all to Prince KONOYE and afterwards  
11 to Baron HARADA, a plan you had then for a national  
12 policy?

13 A May I have the date repeated?

14 Q In November, 1932.

15 A I have no recollection.

16 Q Did not the policy consist of three items --

17 MR. McMANUS: If the Court please, I must  
18 object again. I am sorry that I have to. But the  
19 witness said he had no recollection, and now the  
20 prosecutor is asking him, did not the policy consist  
21 of three items? He has no recollection at all.

22 THE PRESIDENT: You can attempt to refresh  
23 his memory by giving more particulars, and that's  
24 what I understood you were doing. The objection is  
25 overruled.



1 Q First, to execute an emergency policy for  
2 increasing the national strength for two years;  
3 second, consider whether to attack Soviet Russia with-  
4 in the two years or not; and third, meanwhile main-  
5 tain friendly relations with the United States.

6 A I do not recall ever seeing him nor such an  
7 occasion taking place.

8 Q In explaining the policy to Baron HARADA,  
9 did you put forward as an alternative the policy  
10 you mentioned in your affidavit, namely, calling an  
11 international peace conference for the Far East?

12 A At the end of 1932 the Manchurian question  
13 was not yet settled -- was not as yet settled, and I  
14 thought of nothing else but bring the Manchurian ques-  
15 tion to a speedy conclusion.

16 Q Did you say that within the two or three  
17 years you must perfect Japan's defense, that is, com-  
18 plete preparations and assert Japan's intent by show  
19 of force whether in peace or war?

20 A I do not think that I had any occasion or  
21 should have any occasion to talk on such matters  
22 with Mr. HARADA.  
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1 Q Did Finance Minister TAKAHASHI object that  
2 it would take four or five years and cost too much?

3 A Do you mean together with Baron HARADA?

4 Q Not on the same occasion. At any time.

5 MR. McMANUS: If the Tribunal pleases, I am  
6 at a loss myself to follow these questions. I have a  
7 vague idea that they might be from Baron HARADA's  
8 Memoirs, to which I objected previously because of  
9 the fact they were based on conclusions and opinions.  
10 Concerning this specific question I object to the  
11 form of it.

12 THE PRESIDENT: Objection overruled.

13 THE WITNESS: May I have that last question  
14 repeated?

15 Q Did Finance Minister TAKAHASHI object to  
16 your plan on the ground that it would take not two  
17 years but four or five and would cost too much?

18 MR. McMANUS: I object, if your Honor pleases,  
19 to the insertion of "your plan." There is no indica-  
20 tion that ARAKI made a plan. Let that be brought out  
21 if he did make one. Why should the prosecutor insert  
22 such a word, "your plan"?

23 THE PRESIDENT: Mr. Carr.

24 MR. COMYNS CARR: In my submission, your  
25 Honor, the question is proper. It would be

1 unintelligible without linking it to the plan I have  
2 already suggested to him. True, he denies it, but  
3 to make the question intelligible I must associate  
4 it with the plan I have already asked him about.

5 THE PRESIDENT: Instead of the word "your"  
6 substitute "the plan already referred to."

7 MR. COMYNS CARR: If your Honor pleases.

8 Q Will you answer please?

9 A There was no such thing.

10 Q And did you say that the budget you were  
11 demanding for the purpose of this plan was quite  
12 reasonable and --

13 THE PRESIDENT: There is no need for any  
14 further cross-examination if you want to be fair to  
15 the witness and to lay a foundation for evidence  
16 later. We feel that we are getting no assistance by  
17 having questions put to this witness about matters  
18 which he denies.

19 MR. COMYNS CARR: If your Honor thinks I  
20 have laid sufficient foundation to go into the whole  
21 discussion at a later date I will not ask any more  
22 questions about it.

23 THE PRESIDENT: I think you should put to  
24 him each of the matters very briefly, and when you get  
25 an intimation from him that he knows nothing about them



1 or does not remember them, then cease to cross-examine  
2 about the particular matter.

3 MR. COMYNS CARR: If your Honor pleases, yes.

4 Q Did you at a Cabinet Meeting on the 13th of  
5 January 1933, and previously, oppose the conclusion  
6 of a nonaggression pact with Russia?

7 A I have not opposed the conclusion of a  
8 nonaggression pact.

9 Q Did you say that it might facilitate the  
10 spreading of communistic propaganda as the reason?

11 A Let me say what I had in mind with regard to  
12 the nonaggression pact. This was an opinion which  
13 commonly prevailed among my fellow Cabinet members.  
14 Inasmuch as there were many pending issues between  
15 Japan and Russia these questions should first be  
16 settled, and that a nonaggression pact should be  
17 concluded only after full sincerity and good faith  
18 had been shown by both sides following such settle-  
19 ments. Otherwise, the matter would be a cause for  
20 further trouble. That was the common view held by  
21 the Cabinet Ministers.

22 Q In a Cabinet meeting on the 13th of January,  
23 1933, on the subject of the nonaggression pact, was  
24 there an argument between Finance Minister TAKAHASHI  
25 and yourself because he asserted and you denied that

1 the army and the Kempetai in particular were controlling  
2 public opinion and newspapers by threats?

3 A Among all the Cabinet Ministers, Finance  
4 Minister TAKAHASHI was the man I most respected and  
5 with whom I was most intimate, and because of that we  
6 have often conducted an unreserved exchange of views  
7 and opinions, but I do not recall any such an argument  
8 having taken place in a Cabinet meeting on some day  
9 in January.

10 Q But was there an argument on that subject  
11 at any Cabinet meeting?

12 A No.

13 Q At the Cabinet Meeting on the first of  
14 February, 1933, was there a complaint raised by some  
15 of your colleagues that the army was instigating the  
16 newspapers to advocate withdrawal from the League of  
17 Nations?

18 A I do not know.

19 Q Did you say that it was the newspapers who  
20 were writing them, themselves, and not at your insti-  
21 gation?

22 A Yes.

23 Q And did he say that you could stop them if  
24 you liked, and why didn't you?

25 A Newspapers were outside of my jurisdiction.

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2 public opinion and newspapers by threats?

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4 Minister TAKAHASHI was the man I most respected and  
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21 gation?

22 A Yes.

23 Q And did he say that you could stop them if  
24 you liked, and why didn't you?

25 A Newspapers were outside of my jurisdiction.



1 Q Do you know a Major AKIKUSA, or a name  
2 resembling that, who was stationed in Manchuria and  
3 working with White Russian emigrants there?

4 A Yes, I know Major AKIKUSA.

5 Q And did you support him in organizing plots  
6 against the Soviet Union amongst those White Russian  
7 emigrants?

8 A No.

9 Q Did you at his request give an interview  
10 to a man, to one of the White Russian emigrants named  
11 Rodzaevsky in Tokyo?

12 A I learned of the name, Rodzaevsky, for the  
13 first time when the Russian prosecutor, I think it was,  
14 submitted an affidavit from this person during the  
15 Russian phase. I did know that a number of White  
16 Russians came visiting in Tokyo, but I do not know  
17 their names.

18 Q Did you give Rodzaevsky or anybody authority to  
19 publish an interview with you in the newspaper called  
20 "Our Way," which the White Russians published in  
21 Manchuria?

22 A I have never given such a permission.  
23  
24  
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1 Q Did you know for many years a man named  
2 Semenov?

3 A Yes, very well.

4 Q Did you discuss with him plans for cutting  
5 off the Maritime Provinces from the Soviet Union?

6 A No.

7 Q Now, on the 9th of December, 1933, did you  
8 and the Navy Minister issue a statement in the press?

9 A I might recall it if you tell me its substance.

10 Q About the suggested crisis of 1936 and de-  
11 nouncing a movement which you said was seeking to  
12 alienate the public minds from the military.

13 A Was that in August, 1933?

14 Q In December, 1933.

15 A At that time, following decisions made with  
16 regard to the national defense and diplomacy at the  
17 Five Ministers Conference, I think something of that  
18 kind was issued with the Foreign Office, but as to  
19 its contents, I would not be able to say by giving me  
20 such a bare outline of it. I think it is possible  
21 that such a statement could have been issued.

22 Q Is it true that the accused, KOISO, during  
23 the Manchurian campaign sent Kempei-tai men, members  
24 of the Kempei-tai, to China and Manchuria, disguised  
25 as laborers?

1 A I do not know.

2 Q Did you say so to Baron HARADA on the 3rd  
3 of August, 1939?

4 A I have no recollection of ever having said  
5 that to him.

6 Q Did you say that you knew a lot about KOISO  
7 who was then a cabinet colleague of yours; was he not  
8 Minister of Overseas Affairs?

9 A What year was that?

10 Q 1939, in the HIRANUMA Cabinet. Were you not  
11 Minister of Education and KOISO Minister of Overseas  
12 Affairs?

13 A Yes, that was so.

14 Q Did you not say a number of things to Baron  
15 HARADA against KOISO, including the one I have put  
16 to you?

17 THE MONITOR: Mr. Comyns Carr, kindly re-  
18 phrase your question, please.

19 Q Did you not say to Baron HARADA a number of  
20 things against KOISO, including the one I have already  
21 put to you?

22 A No.

23 Q Now, it has been shown in exhibit 2213 that  
24 large sums of money were sent from the Manchurian  
25 Secret Service Fund to KOISO in Manchuria in December



1933.

1 A Is that a question?

2 Q No, it is the foundation of a question that  
3 is ready.

4 Did you order KOISO, when you were War  
5 Minister, to send back to you out of that money, one  
6 million yen?

7 A There is no such thing.

8 Q Did he, in fact, send back one million yen  
9 to the War Ministry?

10 A I do not know.

11 Q Was it not used by you for the purpose of  
12 propaganda on the part of the army in Japan?

13 A That is outrageous.

14 Q When you joined the Second KONOYE Cabinet, in  
15 May, 1938, you had already been a cabinet councillor  
16 since the previous October, had you not?

17 A Wasn't that interpretation mistaken? I  
18 didn't understand.

19 Q Were you not a cabinet councillor from  
20 October 1937 onwards, under the First KONOYE Cabinet?

21 A Yes.

22 Q You say on page 30 of your affidavit at the  
23 top, in Section 18, that you objected to the occupa-  
24 tion of Nanking.  
25

A Yes.

Q And that it would make relations between China and Japan much worse in the future?

A Not only that, but the primary point was that.

Q In May, 1938 did you become Education Minister in that cabinet?

A Yes.

Q By that time Nanking had been occupied, had it not, and the Rape of Nanking had taken place, as you say contrary to your advice.

MR. McMANUS: I object to the form of the question, your Honor.

THE INTERPRETER: The fall of Nanking -- the witness went that far.

THE WITNESS: May I continue?

MR. COMYNS CARR: Yes.

A I recall that Nanking fell on the 13th of December. Yes, when I became Minister of Education Nanking had already fallen and the army was already in action.

Q Had you read the accounts of the atrocities committed by the Japanese army at Nanking?

A No, I had not read them.

Q Why not?

A Because even at that time I did not hear of

it even as a rumor.

1 Q What you now know of it was entirely contrary,  
2 was it not, to the policy you say you inculcated into  
3 the army? \*

4 MR. McMANUS: I object to the question, if  
5 the Court please. There is no proof, conclusively  
6 or otherwise, that General ARAKI inculcated anything  
7 into anybody at any time, any place, or anywhere.  
8

9 THE PRESIDENT: He was asked whether he had  
10 inculcated into the army something contrary to what  
11 happened at Nanking according to the evidence in this  
12 case, and you object to such a question?

13 MR. COMYNS CARR: There are pages in the  
14 affidavit to that effect, your Honor.

15 THE PRESIDENT: The objection is overruled.

16 MR. McMANUS: If the Tribunal please, I have  
17 no objection to the answer the witness is going to  
18 give, not at all, but I object to the pregnancy of  
19 the question.  
20

21 THE PRESIDENT: The question was certainly  
22 in elliptical form, but as I put it it was unobjec-  
23 tionable and he should answer.

24 THE WITNESS: May I interpret the last  
25 question as follows: that what I advocated with re-  
gard to the Japanese army, was it contrary to what



took place later in Nanking?

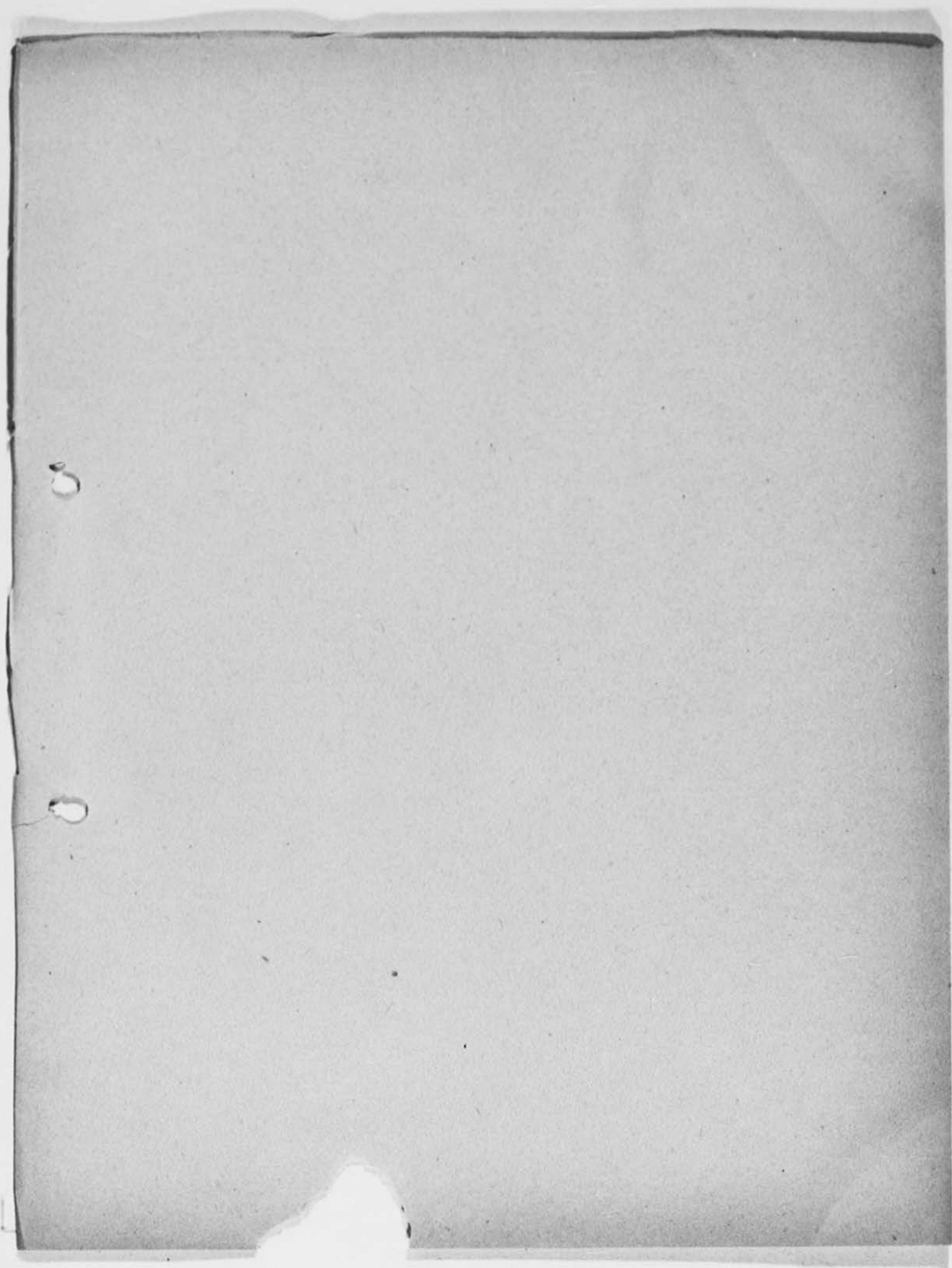
1 MR. COMYNS CARR: Yes.

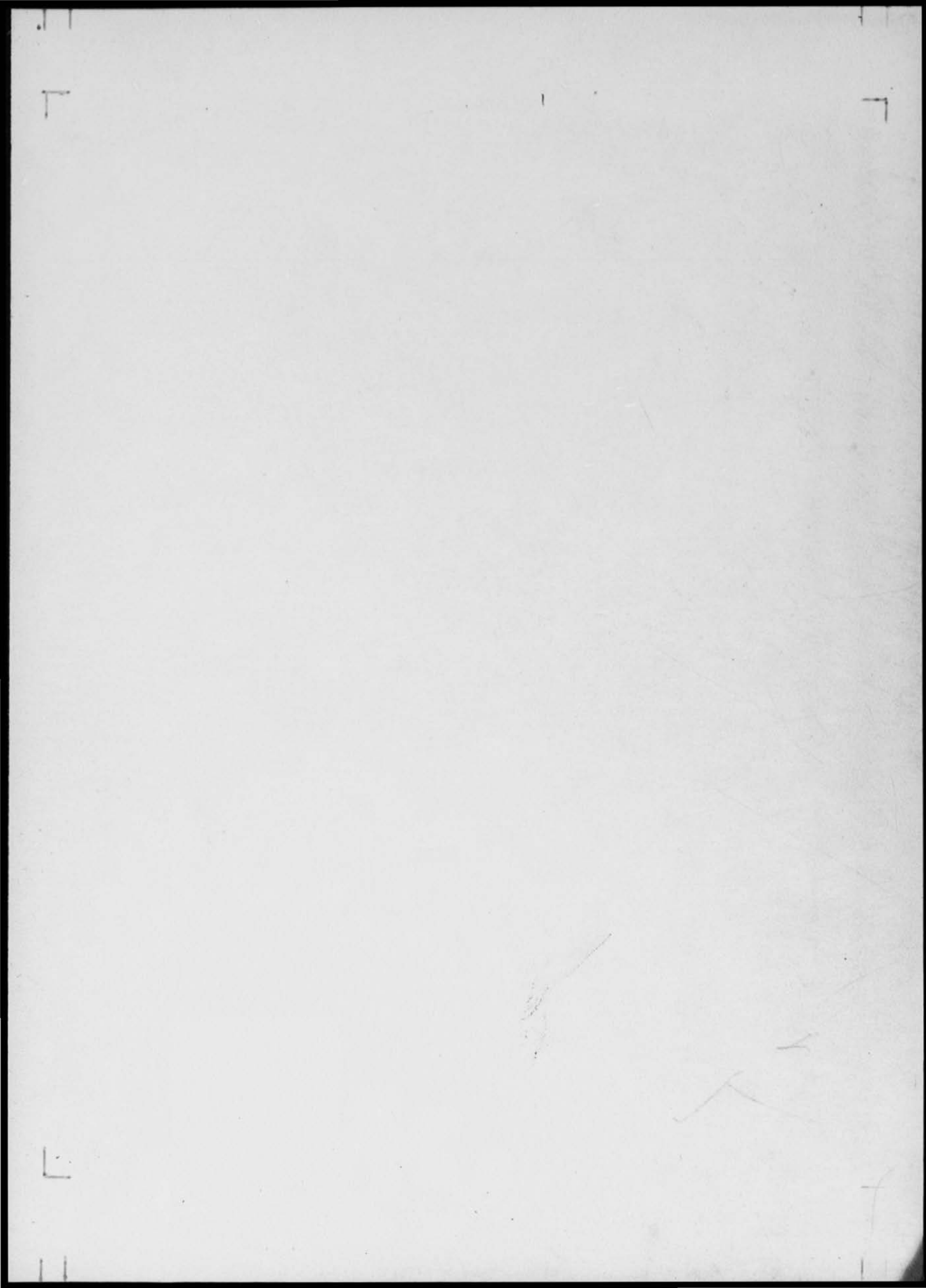
2 A If the incident at Nanking is exactly as has  
3 been related to this Court, then I will say that I  
4 regret exceedingly that it was contrary to what I had  
5 advocated, but I am not fully familiar with the facts.

6 THE PRESIDENT: We will adjourn until half-  
7 past nine on Monday morning.

8 (Whereupon, at 1605, an adjourn-  
9 ment was taken until Monday, 15 September  
10 1947, at 0930.)  
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